



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Developmental Disabilities Services

Delaware Health and Social Services
Division of Developmental Disabilities Services

Title: Alternate Work Schedule (AWS)

Approved by: [Signature]
Division Director

Written/Revised Date: _____

Date of Origin: March 29, 2017

I. POLICY/POSITION STATEMENT

Approval of voluntary Alternative Work Schedule (AWS) is governed by Office of Management and Budget (OMB) Human Resource Management Policy Number (PM) P16-001, enacted in December 2016 (Appendix A). Within the parameters of PM P16-001, the Division of Developmental Disabilities Services (DDDS) has flexibility for implementation of employee AWS. The purpose of this policy is to provide instructions to DDDS employees who seek to apply for AWS approval, as well as to provide guidance to DDDS supervisors as to when AWS approval is appropriate.

DDDS recognizes the potential benefits of AWS for extending services to the public, improving employee morale, and benefiting the environment as a result of decreased commuting. DDDS also recognizes that AWS approval standards are needed to minimize workplace disruption that may be caused by overuse of AWS and to assure that all employees are treated equally in the approval or denial of AWS requests.

It is the policy of DDDS that AWS may be approved when staff coverage is appropriate beyond normal work hours to serve the public. AWS approval is also contingent on the fact that DDDS services, including the ability to respond to emergencies, are not otherwise diminished. Appendix B includes additional guidelines for DDDS supervisors to follow when determining approval or denial of AWS requests.

It is also the policy of DDDS that AWS will be rescinded immediately for all employees upon declaration of a state of emergency or state "orange alert" status, and for the duration of this event or otherwise, at the order of the Division Director or designee. Additionally, a supervisor may rescind AWS for an employee if the supervisor determines that the guidelines in Appendix B are no longer satisfied.

II. PROCEDURES

With the exception of Stockley Center employees, DDDS employees must request AWS for schedules that deviate from normal working hours (i.e., Monday through Friday, 8 a.m. – 4:30 p.m.). An employee seeking AWS approval must complete the forms in Appendices C and D of this policy and submit them to their supervisor.

Upon receipt of the completed forms, the supervisor reviews the AWS request using the guidance provided in Appendix B. If the supervisor approves the AWS request, he/she signs the Appendix C form, completes and signs the Appendix D form, and forwards both forms to the corresponding Leadership Team Member. If the employee AWS request is not congruent with guidance set forth in Appendix B, the supervisor will deny the AWS request and notify the employee of the decision.

Upon receipt of the completed forms, the corresponding Leadership Team Member reviews AWS requests. If the Leadership Team Member agrees that the AWS request satisfies the guidance in Appendix B, he/she signs Appendices C and D indicating concurrence and forwards the completed forms to Division Director. Leadership Team Members shall also (a) maintain a record of all employees within his/her unit on approved AWS, (b) forward a copy of the approved AWS to Human Resources, and (c) ensure that auditor(s) are aware of employees within his/her unit that are on approved AWS. If the AWS request does not satisfy the guidance in Appendix B, the Leadership Team Member shall return the denied request to employee's supervisor

The Division Director reviews AWS requests for employees in his/her division as forwarded by the Leadership Team Members. If the Division Director agrees that the request satisfies the guidance in Appendix B, he/she signs forms from Appendices C and D indicating concurrence. If the AWS request does not satisfy the guidance in Appendix B, the Division Director shall return denied request to Leadership Team Member.

III. **SCOPE**

AWS approval is granted for a period of no longer than one-year following the effective approval date. Employees wishing to continue AWS must re-submit all required forms and obtain approvals each following initial AWS approval.

An employee on AWS is responsible for honoring all court subpoenas, notices related to state job responsibilities, and mandatory meetings. Supervisors have the discretion to approve temporary alternate plans for discharging court responsibilities and/or other mandatory attendance events.

During a holiday week, all employees are required to work the applicable number of hours for that week, regardless of AWS.

An employee on AWS who wishes to return to a normal work schedule (i.e., Monday through Friday, 8:00 a.m. – 4:30 p.m.) will provide his/her supervisor with reasonable notice of this change in schedule.

IV. **EFFECTIVE**

This policy becomes effective immediately.

This division policy supersedes all other division policies, directives, or rules related to this subject.

Alternative Work Schedule Policy



State of Delaware Office of Management and Budget Human Resource Management

ALTERNATIVE WORK SCHEDULE POLICY	
Policy Number: P16-001	
Effective Date: December 2016	Supersedes: July 2009
Application: All State Agencies, Merit Employees	Merit Rule: 4.13, 4.14
Authority: Delaware Code, Title 29, Chapter 59	

Policy Purpose Statement

The purpose of this policy is to support the creation of alternative work schedules providing employees and the State alternatives in employee work schedules, while adhering to State statutes and merit rules. The added flexibility in creating alternative work schedules also provides new opportunities for efficiency and expanded hours of customer service.

Eligibility

Every agency may, upon approval of the agency head, provide for alternative work schedules within the terms set forth in this policy.

Individual employees may be permitted, with the consent of their supervisor and the approval of appropriate management to work alternative schedules. Approval of alternative work schedules for individual employees will be based upon consideration of operational needs, the employee's job performance, special needs, employee's attendance and timeliness, and any disciplinary issues. Certain positions may not be eligible for an alternative work schedule due to program needs or the job duties assigned to the position. Every employee working an alternative work schedule shall do so in accordance with a written agreement, and approved by the immediate supervisor and appropriate management.

Policy Considerations

- a. Each agency shall determine the parameters of the scheduled work hours to be permitted based upon the operational needs, staffing requirements, service delivery requirements, and back-up coverage needs of the agency. Meal break periods may not be scheduled for the start or end of employee's scheduled workday.
- b. The standard workweek schedules are 7.5 hours per day, 5 days per week for 37.5 hour employees or 8 hours per day, 5 days per week for 40 hour employees with a ½ or 1 hour unpaid meal break

each day. Agencies are prohibited from scheduling employees for regular work hours that would incur overtime.

- c. All alternative work schedules shall provide that employees working a standard 37.5-hour workweek will be scheduled to work 75 hours each two-week pay period. For employees covered by the standard 40-hour workweek, alternative work schedules shall require the employee to be scheduled to work 80 hours each two-week pay period.
- d. Employees working alternative schedules who are covered by the Fair Labor Standards Act (FLSA) may not be scheduled to work more than 40 hours in any week unless the employee is on an FLSA recognized schedule for their profession or workplace (a 14-day or 28-day law enforcement work period or an 8 and 80 schedule for residential care and hospitals).
- e. All employees working an alternative work schedule shall enter into a written agreement providing the details of the alternative work schedule. The agreement shall be signed by the employee, the employee's supervisor, and the Division Director/Agency Head. Agencies may develop their own forms of agreement with the understanding that all information listed on the attached sample form must be included on the agency version of the form.
- f. The employee shall have the right to return to the standard work schedule at any time, and the agency may require the employee to return to the standard work schedule any time if the needs of the agency require it or for other work-related reasons, such as employee performance, conduct or attendance. Employees may not change the approved alternate work schedule without a fully executed written agreement.
- g. If an employee is covered by a negotiated collective bargaining agreement, alternative work schedule provisions in that agreement may take precedent over this policy if there is a conflict between those provisions and this policy.
- h. Annual and sick leave accrue as normal. Leave usage will be charged based on the approved work schedule.
- i. A regular, full-time employee is eligible for compensation of 7.5 hours (or 8.0 hours for employees with a standard 40 hour workweek) for holiday pay on approved state holidays.
 - a. If an approved state holiday falls on a day that a regular full-time employee on an alternative work schedule is scheduled for more than 7.5 hours (or 8 hours for employees with a standard 40 hour workweek), the employee may:
 - i. Account for the additional time required through use of annual leave or compensatory time in order to complete 75 hours (or 80 hours) in a pay period.
 - ii. Complete the required hours by working additional time within the same workweek, if approved by the agency.
 - b. If an approved state holiday falls on a day that a regular full-time employee on an alternative work schedule would not be scheduled to work, the employee may:

- i. Revert to a 5 day, 7.5/8 hour workweek for the full pay period in which the holiday falls; or
 - ii. Schedule an alternate day off within the same workweek as the holiday (i.e. flex the holiday); or
 - iii. If the agency is able to absorb the increased cost, they may allow the employee to request compensatory time for hours over 37.5 (or 40) if options 1 and 2 are not operationally feasible.
- j. A regular, full-time employee is eligible for compensation of 7.5 hours (or 8.0 hours for employees with a standard 40 hour workweek) for other types of leave, such as compassionate leave. Such leave will be granted on an hourly basis in accordance with applicable merit rules. If an employee's alternative work schedule requires more hours per day than allowed for special types of leave, the shortage will have to be made up with annual or compensatory leave.
- k. Days off due to declared Severe Weather Conditions and Emergency Events will be counted as the amount of time normally worked that day. However, if a day off for a Severe Weather Conditions and Emergency Event is called on your scheduled day off an additional day off shall not be granted.
- l. Management reserves the right to temporarily revert the schedule to a normal workweek or to a special flexible schedule in order to accommodate training, attendance at conferences or other special events. With management approval, employees may further flex their schedule within an individual workweek in order to utilize any compensatory time that would otherwise be accrued within that time period. If an employee is out for a period of more than two weeks, then his/her schedule automatically reverts to a normal schedule for the duration of the time that he/she is not working.
- m. Agencies may make more restrictive alternative work policies, but cannot make less restrictive policies.

Associated Policy/Regulations/Information *

- [Compensatory Time Policy](#)
- [Human Resources Procedure Manual](#)

Forms associated with this policy:

[Alternative Work Schedule Application - Word Format](#)

[Alternative Work Schedule Application - PDF Format](#)

This policy is not intended to create any individual right or cause of action not already existing and recognized under state or federal law.

Guidelines for Approval of Alternative Work Schedules (AWS)

Division of Developmental Disabilities Services

Requests for Alternative Work Schedules (AWS) are generally permitted for the following purposes, provided all other conditions below are satisfied:

- The requested AWS is to extend service to our customers beyond normal work hours (i.e., Monday through Friday, 8:00 a.m. – 4:30 p.m.).
- The requested AWS will improve morale, decrease commuting, or satisfy other reasons specified in the by Office of Management and Budget (OMB) Human Resource Management Policy Number (PM) P16-001, enacted in December 2016, or future iterations thereof.

General Guidelines for Determining Approval of Requested AWS:

- AWS is strongly discouraged for supervisors who must be present to provide guidance and oversight to staff.
- AWS is strongly discouraged when more than one-third of a unit's staff are on AWS. AWS rotations should be at least six (6) months in length to simplify timekeeping.
- AWS is strongly discouraged for employees with unique skills or functions that other employees are less capable of completing when the employee requesting AWS is not present.

One or more of the following conditions prohibit AWS approval:

- The requested AWS will interfere with agency operations (including coverage).
- The employee's supervisor is required to be present when the employee is working.
- The employee requesting AWS has job responsibilities that involve frequent meeting attendance. (Note: DDDS supervisors are generally not eligible for AWS approval for this reason).
- The employee requesting AWS has documented disciplinary or attendance problems within the past calendar year.
- The employee requesting AWS is currently on probation.
- The employee requesting AWS has received a performance review evaluation below "Meets Expectations" within the past calendar year.

Division of Developmental Disabilities Services
AGREEMENT OF RESPONSIBILITY: DDDS ALTERNATIVE WORK HOURS

Employee Name: _____

Office Location: _____

	START	LUNCH (check)	END	HRS WORKED
Monday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Tuesday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Wednesday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Thursday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Friday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Saturday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Sunday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		

	START	LUNCH (check)	END	HRS WORKED
Monday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Tuesday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Wednesday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Thursday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Friday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Saturday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		
Sunday		<input type="checkbox"/> ½ hr <input type="checkbox"/> full hr		

Total Hrs. Worked: _____

The effective date for implementing this schedule is: _____

This request is in effect until: revoked or modified or rescinded or on a specific date that must be less than 1 year from effective date: _____

I understand the privilege of working this schedule may be revoked at any time.

Employee/Date

Supervisor/Date

Leadership Team Member/Date

Division Director/Date

****FSLA employees may not schedule to work more than 40 hours per week.****

Division of Developmental Disabilities Services

Alternative Work Schedule Supplemental Information & Management

Approval Form

This section to be completed by employee:

Employee Name: _____

Office Location: _____

Date Request to become effective: _____

Are you a supervisor? ☐ Yes ☐ No

- ☐ This request complies with DHSS/DDDS and State Personnel Alternative Work Schedule Policy.
- ☐ Employee understands that this request may be modified or revoked at the discretion of management.
- ☐ This request is in effect until: revoked or modified or rescinded or on a specific date that must be less than 1 year from effective date: _____.
- ☐ *Supervisory staff only:* I certify that there is supervision for my staff during my non-working hours.
- ☐ The purpose of this request (**MANDATORY**):

This section to be completed by supervisor:

I Certify That:

- ☐ This employee does not have documented disciplinary or unacceptable attendance within the past year.
- ☐ This employee does not require supervision, or will be supervised, while working other than 8:00 AM – 4:30 PM.
- ☐ This employee's alternative work schedule will not interfere with program operations or coverage.
- ☐ This employee has a performance plan which has been reviewed/updated within the past year.
- ☐ This employee has had a performance review with a rating of "Meets Expectations" or higher within the past year.

Employee/Date

Supervisor/Date

Leadership Team Member/Date

Division Director/Date